

1964

CONGRESSIONAL RECORD — SENATE

15215

political system, which contributes to its permanence and its durability, is the training in democracy which our citizens undertake in connection with their voluntary organizations.

We are a self-governing people. The signs of our political maturity are shown in the minds of our young people from the grammar school through the graduate departments of our great universities.

Recently, I have been given an opportunity to review one of the fruits of this training in citizen-statesmanship, in the form of a constitution which has been adopted by the Associated Students of Central Oregon College at Bend, Oreg. I wish to commend these students, and in particular, Mr. J. Vernon Crawford, president of the Associated Students of Central Oregon College who, with his colleagues, have hammered out on the anvil of conscionable compromise the organic law to which they willingly subject themselves.

Mr. President, I ask unanimous consent that the constitution to which I refer may be printed in the Record at this point in my remarks.

There being no objection, the document was ordered to be printed in the Record, as follows:

THE CONSTITUTION OF THE ASSOCIATED STUDENTS OF CENTRAL OREGON COLLEGE

We, the Associated Students of Central Oregon College, to describe the nature of our organization and to provide for its operation, do ordain and establish this constitution:

ARTICLE I—NAME, PURPOSE, AND SYMBOLS

SECTION 1. The name of our organization is the Associated Students of Central Oregon College and may be abbreviated to ASCOC.

SEC. 2. The purpose of the ASCOC shall be to promote the intellectual curiosity and capability, physical and mental maturity, and social and economic advantages of its members.

SEC. 3. (1) The Central Oregon College colors shall be ice-blue and silver.

(2) The athletic symbol shall be a silver letter "O."

(3) The mascot shall be the Bobcat.

ARTICLE II—MEMBERSHIP

SECTION 1. Active membership in the ASCOC shall be granted to any person who is properly enrolled at Central Oregon College.

SEC. 2. Associate membership in the ASCOC shall be granted to all former active members.

SEC. 3. Honorary membership may be conferred upon any person for distinguished attainment or contributions of interest to the ASCOC by a majority vote of the Senate.

SEC. 4. No member shall be discriminated against because of his race, creed, or color.

ARTICLE III—ASSEMBLIES

SECTION 1. General assemblies of the entire ASCOC may be held whenever deemed desirable by the ASCOC president.

ARTICLE IV—ELECTIONS

SECTION 1. Any active member may be nominated for office by filing a completed petition, as required in the bylaws, with the ASCOC elections committee chairman at least 2 weeks prior to the election for that office.

SEC. 2. The general election shall be held on the second Tuesday and Wednesday after the first Monday in May each year.

(2) The special fall election shall be held on the first Tuesday and Wednesday after the first Monday in November each year.

SEC. 3. In all elections to fill office, the candidate receiving the greater number of votes cast shall be declared elected, except in a tie vote, for which the bylaws shall provide.

SEC. 4. All elections shall be made by Australian secret ballot. The full text of the ballot shall be made public in accordance with the bylaws.

SEC. 5. Only active members may vote in ASCOC elections or be candidates for office.

SEC. 6. The elections committee shall provide for the administering of elections in accordance with this constitution and bylaws.

SEC. 7. Special ASCOC elections may be held in cases of emergency and as prescribed elsewhere in this constitution and bylaws.

ARTICLE V—OFFICERS

SECTION 1. (1) The officers of the ASCOC shall be: (a) President, (b) vice president, (c) secretary, (d) treasurer, (e) senators.

(2) The president, vice president, secretary, treasurer, and four senators shall be elected at the general election and four additional senators shall be elected from the freshmen at the special fall election.

SEC. 2. (1) An officer shall hold his office from the time of his installation to the installation of his successor in office, unless sooner relieved. All installations shall be held at least by the end of the term in which the election for that office is held.

(2) Should the presidency become vacant, the order of succession shall be: Vice president, secretary, and treasurer.

(3) An ASCOC officer must retain active membership throughout his tenure of office.

SEC. 3. Each officer shall perform responsibly all duties required by his position.

SEC. 4. (1) The president shall faithfully adhere to the constitution and bylaws; preside over all general assemblies; serve as ex officio chairman of the senate; appoint the following, with the consent of a majority vote of the senate: standing committee chairmen, the crier, the assistant crier, the student court members, and replacements for ASCOC and senate vacancies.

(2) The vice president shall faithfully perform all the duties of the President in his absence, serve as the elections committee chairman, serve as an ex officio member of all other committees, and coordinate the actions of all committees.

(3) The secretary shall keep an up-to-date journal of all general assemblies and senate meetings, and shall maintain all the correspondence and records of the ASCOC, except the financial records.

(4) The treasurer shall collect and disburse all ASCOC funds in accordance with the constitution and bylaws, shall maintain accurate, up-to-date ASCOC financial records, and shall serve as the budget committee chairman.

(5) The senators shall perform those activities which are expeditious to the functioning of the ASCOC and senate.

SEC. 5. (1) ASCOC activities requiring public notification shall, in accordance with the constitution and bylaws, be publicly announced by the crier. The president may assign additional duties to the crier.

(2) The crier and assistant crier's tenure of office is subject to the discretion of the president.

ARTICLE VI—RECALL

SECTION 1. (1) Any ASCOC officer is subject to recall from office by the active members.

(2) A recall election may be demanded only by a petition signed by its sponsors and at least 10 percent of the active members. The petition shall set forth in not less than 200 words the reasons for the demand.

(3) The recall election shall be held within 2 weeks of the day the completed recall petition is filed with the elections committee chairman, which shall be done in accordance with the bylaws.

(4) If two-thirds of a majority of the active members in the recall election vote in favor of recall, the officer is recalled and his office is vacant.

SEC. 2. The reasons for demanding recall shall be printed, in not more than 200 words, on the recall ballot. The officer whose recall is demanded shall have the privilege of including on the recall ballot, in not more than 200 words, his justification for his course of action.

ARTICLE VII—LEGISLATIVE BODY

SECTION 1. (1) The name of the ASCOC legislative body is the student senate, which may be referred to as the senate.

(2) The legislative power of the ASCOC, except for the initiative and referendum powers reserved to the active members, is vested in the senate.

(3) Changes in and/or additions to the bylaws may be made by approval of a majority of the senate.

(4) No action by the senate may have effect unless the motion for action and the vote by which the motion is approved or rejected take place at proceedings open to the active members.

SEC. 2. (1) The voting members of the senate are the president, vice president, secretary, treasurer, and senators.

(2) The nonvoting members of the senate are the crier and assistant crier, editor of the ASCOC newspaper, editor of the ASCOC annual, and faculty adviser(s).

(3) Only active members shall be selected for the senate, except the faculty adviser(s).

(4) Any member of the senate may be temporarily suspended for disorderly behavior by a majority vote.

SEC. 3. (1) The senate shall adopt rules for the government of its members and meetings in accordance with the constitution and bylaws.

(2) The senate shall meet regularly and publicly at least twice each month at times and places designated in the rules governing senate meetings.

(3) A quorum, which shall be a majority of the voting members, shall be required for the transaction of business at senate meetings.

SEC. 4. (1) The standing committees shall be as follows: The elections committee, the student activities committee, and the budget committee. Only voting members shall be selected as standing committee chairmen.

(2) Only active members may serve on committees.

(3) All actions of committees shall be in accordance with the constitution and bylaws.

SEC. 5. (1) The elections committee shall administer and publicize all ASCOC elections and nominations.

(2) The student activity committee shall be responsible for the coordination of intramural and social activities.

(3) The budget committee shall propose a budget which, if approved by a majority vote of the senate, shall be published in the approved form.

ARTICLE VIII—INITIATIVE AND REFERENDUM

SECTION 1. (1) The active members reserve to themselves the initiative power, which is to propose bylaws, resolutions, or amendments to the constitution and enact or reject them at an election.

(2) An initiative may be proposed only by a petition signed by at least 10 percent of the active members.

(3) An initiative petition shall include the full text of the proposed law, resolution, or amendment to the constitution.

13216

CONGRESSIONAL RECORD — SENATE

June 13

(4) A proposed initiative shall embody one subject only and subjects properly connected therewith.

Sec. 2. (1) The active members reserve to themselves the referendum power, which is to approve or reject at an election any act, or part thereof, of the senate.

(2) A referendum may be ordered only by a petition signed by at least 10 percent of the active members.

Sec. 3. (1) An election on a referendum or initiative, except a proposed constitutional amendment, shall be held between 15 and 80 days following the filing of the completed petition with the elections committee chairman.

(2) A referendum or initiative measure, except a proposed constitutional amendment, becomes effective immediately upon approval by a majority of the votes cast thereon.

(3) A referendum affects only that part of the act to which it refers.

ARTICLE IX—AMENDMENT AND REVISION

SECTION 1. Proposed amendments to or revisions of the constitution shall be submitted to the active members at the general election.

Sec. 2. The senate may propose amendments to or revisions of all or a part of the constitution by majority approval.

Sec. 3. An amendment to the constitution proposed by the senate shall embody one subject only and subjects properly connected therewith.

Sec. 4. A revision may include more than one subject and may be voted upon as a whole.

Sec. 5. A proposed amendment to or revision of the constitution must be published at least 30 days prior to the election thereon.

Sec. 6. An amendment to or revision of the constitution proposed by the senate or an initiative measure shall become effective 30 days after the election thereon if approved by two-thirds of the votes cast.

ARTICLE X—JUDICIARY

SECTION 1. (1) The judicial power of the ASCOC shall be vested in a student court.

(2) The student court has general jurisdiction in all cases arising under this constitution and bylaws, and duly established regulations.

Sec. 2. (1) The student court shall consist of a presiding judge and two associate judges. Their terms shall be concurrent with that of the appointing president.

(2) In the absence of a judge or judges, the president shall make temporary appointments to serve during such absences.

(3) Only active members are eligible to receive such appointments.

Sec. 3. Cases must be heard by the court within 30 days following a citation.

ARTICLE XI—RATIFICATION

SECTION 1. The ratification of this constitution by a majority of the votes cast by the ASCOC shall be sufficient for the immediate establishment of this constitution.

ARTICLE XII—TRANSITIONAL

SECTION 1. The purpose of this article is to insure an orderly transition from the former ASCOC constitution to this constitution. When that purpose is accomplished and all provisions of this article cease to have any continuing effect, the senate shall so declare by a majority vote, and thereafter this article shall not be retained as part of this constitution.

Sec. 2. Except as otherwise provided in this constitution, a person now holding any elective or appointive ASCOC office shall continue to hold that office and exercise the functions of that office until that office is abolished or altered or his successor is selected and qualified in accordance with this constitution or bylaws enacted pursuant thereto.

Sec. 3. Bylaws may be enacted to insure an orderly transition from the former ASCOC constitution to this constitution by a majority of the senate.

Mr. MORSE. Mr. President, so long as our young citizens practice, preach, and are concerned with the rule of law to which they give their free adherence, our institutions will endure.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The 30 minutes for the morning hour have expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent to extend the morning hour for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY INCREASES FOR GOVERNMENT EMPLOYEES

Mr. LAUSCHE. Mr. President, a few days ago, the House of Representatives passed the pay increase bill which, if finally adopted, will give Members of Congress a salary of \$30,000 a year, being a 140-percent increase over that received in 1955.

The salary in 1955 was \$12,500, and in that year it was raised to \$22,500, or 80 percent.

It is now contemplated to raise the salary from \$22,500 to \$30,000, and similar increases will be made in the case of board members and judges.

The passage of the bill in the House itself I cannot understand, but I am completely mystified by an amendment which was offered to the bill; namely, a provision that whenever the salaries of the employees of the Federal Government are raised generally, that general increase will automatically become applicable to Congress.

That means that Members of Congress will not be required to express their views, and that their salaries will be automatically increased when a salary increase is voted for employees generally.

Mention was made today of immorality. I begin to wonder whether sound ethics are involved in the philosophy that we tie ourselves like a caboose to a train, so that wherever that train goes in dealing with employees generally, we become a part of it.

There is another aspect that causes me to ponder. To grant pay increases will become an indulgence, because we shall benefit by every pay increase that is granted. If we grant a 10-percent pay increase to the general employees, automatically we shall receive the same pay increase.

This is a matter which is worthy of serious attention in analyzing many foreboding aspects of what is proposed. I have spoken my view that we are making a serious mistake in setting an example in the Congress which will enable the proponents of increased costs to say that Members of Congress voted themselves a 140-percent pay raise in 9 years, and that such demandants should not be denied an 8-percent, 15-percent, or 20-percent pay raise, or whatever is asked.

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template continuing the fight against

this proposal. I cannot stand idly by, knowing that the advisers on economics to the President have said that a 3.2-percent increase should be the guideline. This year, we shall grant ourselves 33½ percent over \$22,500 which is in addition to the 80 percent we enjoyed when in 1955 we raised our salaries from \$12,500 to \$22,500.

It is a travesty on justice, an exploitation of the taxpayer, a theft of the savings, pensions, and annuities of our citizenry, and the beginning of a real move into inflation.

I not only will not approve the proposal but I vigorously condemn it.

SITUATION IN SOUTHEAST ASIA

The PRESIDING OFFICER. The morning hour has now ended.

The Senator from Alaska—

Mr. GRUENING. Mr. President, I ask unanimous consent to extend the morning hour an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I support the eloquent, continued, and unanswerable pleas of the senior Senator from Oregon [Mr. MORSE] for a policy of peace rather than a policy of war in southeast Asia.

It is difficult to understand why the administration, which inherited the mess in southeast Asia, which was not of its making, cannot see that by not reversing that inherited policy, it is being wholly inconsistent with its professions of seeking peace on earth, inconsistent with its actions in other parts of the world where it has sought peaceful solutions, and called in the United Nations, and that it must pursue, a policy of peace-seeking if it wishes to save us from a great disaster; if it wishes to be responsive to the clear wishes of the American people, as my mail, which runs 100 to 1 in favor of a peaceful settlement in southeast Asia demonstrates, and if it does not take this matter to the United Nations.

A week ago, on the floor of the Senate, I called for a cease-fire in southeast Asia to be initiated by the United Nations.

That plea, which was made for the first time on the floor of the Senate—so far as I know for the first time anywhere—was ignored by the press although it was carried by the wire services. Not a line was published in the New York Times or in the Washington Post.

I believe that we should make every effort to stop the killing, not merely of American boys but also of South Vietnamese as well, that we should stop the bombing of villages with napalm and the burning of innocent civilians, men, women, and children, who have no part in this conflict except as its victims.

I shall repeat this plea again and again, until we cease and desist from our war-making and begin waging peace instead.

The PRESIDING OFFICER. The time extended for the morning hour has expired.

Mr. President, I suggest the absence of a quorum.

1964

CONGRESSIONAL RECORD — SENATE

13217

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gore	Miller
Allott	Gruening	Monroney
Anderson	Hart	Morse
Bartlett	Hartke	Moss
Bayh	Hayden	Mundt
Beall	Hickenlooper	Muskie
Bennett	Hill	Nelson
Bible	Holland	Neuberger
Boggs	Hruska	Pastore
Brewster	Humphrey	Pearson
Burdick	Inouye	Pell
Byrd, W. Va.	Jackson	Prouty
Cannon	Javits	Proxmire
Carlson	Johnston	Ribicoff
Case	Jordan, N.C.	Russell
Church	Jordan, Idaho	Saltonstall
Clark	Keating	Scott
Cooper	Kennedy	Simpson
Cotton	Kuchel	Smathers
Curtis	Lausche	Smith
Dirksen	Long, Mo.	Sparkman
Dodd	Long, La.	Stennis
Dominick	Magnuson	Symington
Douglas	Mansfield	Talmadge
Eastland	McCarthy	Thurmond
Edmondson	McClellan	Tower
Ellender	McGee	Williams, N.J.
Ervin	McGovern	Williams, Del.
Fong	McIntyre	Young, Ohio
Goldwater	Metcalf	

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Michigan [Mr. McNAMARA], the Senator from Virginia [Mr. ROBERTSON], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. MECHAM] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent on official business.

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the Dirksen-Mansfield substitute amendment, as amended. It is open to further amendment.

Mr. JOHNSTON. Mr. President, I call up my amendment No. 1052.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 35, between lines 9 and 10 of amendment No. 1052, it is proposed to insert the following new section:

SEC. 605. Nothing contained in this title shall apply to any agency or organization providing child welfare, foster home, or adoption services with respect to the function of such agency or organization in placing children in homes, foster family care, group care, or institutional care.

Mr. JOHNSTON. Mr. President, mine is a very simple amendment. It springs from my concern about the giant bureaucracy this bill would impose over the activities of the American people.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. Senators will extend the usual courtesy to the Senator from South Carolina to discuss a very important amendment. Senators will cease conversations. The Senator may proceed.

Mr. JOHNSTON. While most of the sections contained in this bill cover the activities of businessmen, labor unions, commercial enterprises, and so forth, title VI is so broad it will affect virtually every citizen in the United States. Of particular concern to me is the effect of an adverse ruling by some bureaucrat that the use of racial criteria in the placing of little children for adoption or in foster homes is discrimination and, therefore, requires the cutting off of all Federal funds used to assist in these child welfare programs.

The efforts on the part of the Federal Government to assist the States and localities in caring for orphan children or children from broken homes has really just begun and is only now beginning to bear fruit. Over \$25 million of Federal funds have been expended each year to help our 50 States, the three territories, and the District of Columbia in carrying out these child welfare services.

Mr. President, there is not one of the 50 States that does not use racial criteria as one of many factors in placing these children for adoption in foster homes. They even go so far, in setting up their criteria, to take into consideration the religion of the child. In almost every instance that is done. But we can imagine what some bureaucrats might do in the future under the bill we are now considering. Indeed, not only racial criteria are used, but in many instances such matters as skin coloring and varying degrees of skin coloring are taken into consideration.

Since the experience of every State welfare agency has led to the very practical use of racial criteria in placing children in new homes, no Federal bureaucrat, on the strength of the civil rights bill, should be allowed to overrule the experienced judgment of the social workers in all the States and require local welfare agencies to place children in homes regardless of race, creed, or color.

I ask every Senator in determining his vote on this amendment to search his

the unanimous verdict of the welfare agencies of the 50 States that racial criteria in this instance are, indeed, a valid basis upon which to place a child in a particular home.

I am sure that every Senator is deeply interested in the welfare of the children who are placed in foster homes. The children cannot look out for themselves; they can be cared for only by the various welfare bureaus throughout the United States. My amendment would merely throw protection around the children and make certain that in the future they will be cared for as they have been in the past, in the best interests of our great Nation.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute of my time.

How much does the Federal Government contribute to this program?

Mr. JOHNSTON. It has been about \$25 million for several years. I am reliably informed that by 1969 the amount will be increased to \$50 million.

Mr. MAGNUSON. As I recall, when this program was inaugurated, Congress placed it on the same basis as the programs that provide aid to the blind and the handicapped.

Mr. JOHNSTON. That is true.

Mr. MAGNUSON. I think that was the justification, if the Senator will examine the record, because of the condition existing all over the United States.

Mr. JOHNSTON. That is true. I am only asking that the children be given protection in this particular field. I cannot see why anyone should object to an amendment such as this at this particular time, because it merely assures the fathers and mothers who have to give up their children, perhaps because of broken homes or because of a death in the family, necessitating intervention by the government, that the child will be placed in the proper way, similar to the way the program has been handled in the past. I think it should be handled in the same way in the future.

Mr. President, while a large number of Senators are in the Chamber, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I seriously hope that the amendment will be defeated. It is not necessary at all. To some extent it would straitjacket title VI. Much of what the distinguished Senator from South Carolina is concerned about will never happen. After all, the people who administer these programs are fair-minded. No one will compel a person to adopt a child; the individual must have the heart to do so.

We hear much discussion about the category of foster homes. If we begin to write such provisions into the bill, this title will become impossible of administration. I hope the situation will not be confused.

A history has been made. I feel sure that the program will be administered sensibly and realistically, taking into account everything that involves the sensitivity of people. I do not believe any danger is involved. I hope the amendment will be rejected.

13218

CONGRESSIONAL RECORD — SENATE

June 13

The PRESIDING OFFICER. The question is on agreeing to amendment No. 555 offered by the Senator from South Carolina [Mr. JOHNSTON]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mrs. NEUBERGER (when her name was called). On this vote I have a pair with the Senator from Virginia [Mr. BYRD]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. McNAMARA], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Indiana [Mr. BAYH], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Michigan [Mr. McNAMARA] would each vote "nay."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from West Virginia would vote "nay," and the Senator from Arkansas would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. MCHEN] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 29, nays 56, as follows:

[No. 321 Leg.]

YEAS—29

Bartlett	Hayden	Monroney
Byrd, W. Va.	Hickenlooper	Russell
Cannon	Hill	Smathers
Cooper	Holland	Sparkman
Cotton	Hruska	Stennis
Curtis	Johnston	Symington
Eastland	Jordan, N.C.	Talmadge
Ellender	Long, La.	Thurmond
Ervin	Magnuson	Williams, Del.
Gore	McClellan	

NAYS—56

Alken	Church	Humphrey
Allott	Clark	Inouye
Anderson	Dirksen	Jackson
Beall	Dodd	Javits
Bennett	Dominick	Jordan, Idaho
Ehle	Douglas	Keating
Boggs	Edmondson	Kennedy
Brewster	Fong	KucHEL
Burdick	Gruening	Lausche
Carlson	Hart	Long, Mo.
Case	Hartke	McCarthy

McGee
McGovern
McIntyre
Metcalfe
Miller
Morse
Moss
Mundt

Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Rabiboff

Saltorstall
Scott
Simpson
Smith
Tower
Williams, N.J.
Young, Ohio

NOT VOTING—15

Bayh
Byrd, Va.
Eagle
Fulbright
Goldwater

Mansfield
McNamara
Mehchem
Morton
Neuberger

Randolph
Robertson
Walters
Yarborough
Young, N. Dak.

So Mr. JOHNSTON's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I call up my amendment No. 963 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be stated.

The LEGISLATIVE CLERK. On page 68, between lines 19 and 20, it is proposed to insert the following new section:

IDENTIFICATION IN PERFORMANCE OF DUTIES OF COMMISSION

SEC. 717. (a) Each member, officer, agent, attorney, or employee of the Commission shall, in the performance of his official duties, identify himself as such a member, officer, agent, attorney, or employee in any relations with any employer, labor organization, employment agency, joint labor-management committee, or any person other than a member, officer, agent, attorney, or employee of the Commission.

(b) If any member, officer, agent, attorney, or employee of the Commission fails to comply with the provisions of subsection (a), no determination shall be made by the Commission, and no civil action may be filed under section 706 or 707, with respect to the unlawful employment practice alleged in the charge concerning which such failure to comply occurred.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator from Texas yield himself?

Mr. TOWER. I yield myself 2 minutes.

The amendment would require employees of the EEOC to identify themselves at any time they are in an official capacity as investigators, and so forth. It provides that if they do not, there can be no unfair employment practice finding.

The amendment is a simple safeguard with which I hope the Senate will agree. It spells out that any employee of the title VII EEOC must fully identify himself to employers and unions.

This may seem a little elementary to some in the Chamber, but once again I need only cite the Motorola case to show that, in past fair employment investigations, the investigators apparently have not identified themselves, and this has led to employer charges of "entrapment" of witnesses.

The specific allegations in the Motorola case are documented in the material I previously submitted for the record.

Specifically there have been charges that investigators of the President's Equal Employment Commission have not identified themselves and have thus misled witnesses.

This, of course, should not be allowed, and thus my amendment.

This is a simple amendment making certain that simple and wholly reasonable safeguards of legality and courtesy are observed.

This is a very courteous and legal body, and I am confident that it wishes to give full attention and adequate effect to law. Therefore I hope that the Senate will concur in my amendment.

Mr. ALLOTT. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order? The Senator may proceed.

Mr. ALLOTT. Mr. President, I yield myself 1 minute.

I concur wholeheartedly in the principle that the distinguished Senator from Texas is trying to adopt, which is that the members of the Commission should identify themselves. However, I should like to point out for the benefit of Senators—and I especially invite the attention of the Senator from Texas—that his amendment would permit every case to go off on a side question and proof as to whether or not the investigator actually did identify himself. If some other penalty could be applied, such as the disemployment of the person who failed to identify himself or something of that sort, that would be all right. But, if a case should come into court, the whole question could be decided upon a disputation of fact as to whether or not the investigator actually did disclose who he was. So we do not want any amendment of the sort proposed.

Mr. TOWER. Mr. President, I yield myself 30 seconds. I point out that cases in courts of law very often fail on procedural points on matters that are not related to the substantive issue before the court. For example, a faulty indictment may result in the negation of a criminal charge. I think that is not unreasonable. I think it is altogether reasonable that Federal officers should identify themselves to the businessman or employer so that the employer would not be placed at an unfair advantage. I therefore urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas numbered 963. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOPER (when his name was called). On this vote I have a pair with the Senator from Arkansas [Mr. FULBRIGHT]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I